REMARKS

INTRODUCTION:

In accordance with the foregoing, claim 16 has been canceled and claims 1, 5, 7, 11, 14-15, and 17-19 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 2, 4-8, 10-11, 13-15, and 17-19 are pending and under consideration. Reconsideration is requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicant(s) request(s) entry of this Rule 116 Response because:

(a) the amendment(s) were not earlier presented because the Applicant(s) believed in good faith that the cited prior art did not disclose the present invention as previously claimed; and

(b) the amendment(s) do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 2, the Examiner rejected claims 1, 2, 4-8, 10, 11 and 13-19 under 35 U.S.C. §103(a) as being unpatentable over Rasmus et al. (U.S. Patent No. 6,091,806 – hereinafter Rasmus) in view of Armistead et al. (U.S. Patent No. 6,553,117 – hereinafter

Armistead). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

Amended, independent claim 1 recites "...a processor configured to: automatically detect an impedance characteristic of a telephony network to which the communication apparatus is connected; automatically select one of said sets of impedance control values based on said detected impedance characteristic; and combine data to be transmitted over said telephony network with said selected set of impedance control values..."

Neither Rasmus nor Armistead, alone or in combination, disclose or suggest combining data to be transmitted over a telephony network with a selected set of impedance values that simulate an impedance required by the telephony network.

Additionally, the embodiments disclosed in Rasmus all require user software configuration and have a graphical user interface for a user to select a country in which the invention of Rasmus is to be employed. (See Rasmus col. 7, lines 51-61, col. 8, lines 11-22, and col. 13, lines 34-43).

Armistead is directed to providing a system capable of handling a T1 and at least one E1 transmission standard that does not require hardware customization. (See Armistead col. 2, lines 19-22). And like Rasmus, Armistead discloses customer software configuration. (See Armistead col. 2, lines 25-32).

Armistead further states that such a system "...may be capable of detecting whether an E1 or T1 signal is present by reconfiguring to each standard in turn, attempting to establish lock, and moving on if lock is not established." (Armistead col. 2, lines 25-32).

Thus, the device of Armistead serially reconfigures to the T1 and at least one of the E1 standards and attempts to establish a signal lock to determine which of the T1 and E1 standards are present. Then, if, and only if one of the T1 and E1 standards are present, the controller selects the impedance values corresponding to the communication format. (See Armistead col. 2, lines 47-54).

This contrasts with the subject application in which a processor is configured to automatically detect an impedance characteristic of a telephony network to which the communication apparatus is connected (See Specification p. 11, lines 16-18).

Applicant respectfully submits that neither Rasmus nor Armistead, alone or in combination, disclose or suggest "...a processor configured to: automatically detect an impedance characteristic of a telephony network to which the communication apparatus is connected; automatically select one of said sets of impedance control values based on said detected impedance characteristic; and combine data to be transmitted over said telephony network with said selected set of impedance control values..."

Thus, Applicant respectfully submits that claim 1 patentably distinguishes over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicant respectfully submits that, claims 2, and 4-6, which ultimately depend from independent claim 1, should be allowable for at least the same reasons as claim 1, as well as for the additional features recited therein.

Amended independent claim 7 recites"... means for automatically detecting an impedance characteristic of a telephony network to which the communication apparatus is connected; means for automatically selecting one of said sets of impedance control values based on said detected impedance characteristic; means for combining data to be transmitted over said telephony network with said selected set of impedance control values..."

Applicant respectfully submits that claim 7 also patentably distinguishes over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicant respectfully submits that, claims 8 and 10, which depend from independent claim 7, should be allowable for at least the same reasons as claim 7, as well as for the additional features recited therein.

Amended claim 11 recites "...automatically detecting an impedance characteristic of the telephony network to which the interface port is interfaced; automatically selecting one of said sets of impedance control values based on said detected impedance characteristic; combining data to be transmitted over said telephony network with said selected set of impedance control values..."

Applicant respectfully submits that claim 11 also patentably distinguishes over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicant respectfully submits that, claims 13 and 14, which depend from independent claim 11, should be allowable for at least the same reasons as claim 11, as well as for the additional features recited therein.

Amended claim 15 recites "...automatically detecting an impedance characteristic of said telephony network...automatically varying said voltages of said analog signals such that said interface port continuously simulates said detected impedance during a communication session in response to said analog signals; and combining values from said selected set of impedance control values with data that is to be communicated from said interface port to a remote communication device."

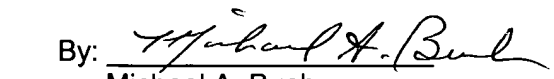
Applicant respectfully submits that claim 15 also patentably distinguishes over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicant respectfully submits that, claims 17-19, which ultimately depend from independent claim 15, should be allowable for at least the same reasons as claim 15, as well as for the additional features recited therein.

CONCLUSION:

In accordance with the foregoing, Applicant respectfully submits that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

Respectfully submitted,

Date February 2, 2004

By: 
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